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SUBJECT: TEXT OF VIETNAM'S NEW ORDINANCE ON RELIGION

REF: Hanoi 1987

¶1. (U) Following is an unofficial Embassy translation of Vietnam's new Ordinance on Belief and Religion.

//Begin text//

Ordinance on Belief and Religion

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH 10 dated December 25, 2001 by the 10th National Assembly during its 10th session;

Pursuant to the Resolution No. 21/2003/QH11 dated November 26, 2003 on its legislative work plan for the year 2004 by the 11th National Assembly during its 4th session;

This Ordinance governs belief and religious activities.

Chapter I

GENERAL PROVISIONS

Article 1:

Citizens have the right to freedom of belief and religion, and freedom of non-belief and non-religion.

The State ensures freedom of belief and religion. Nobody is permitted to violate these freedoms.

All religions are treated equally before the law.

Citizens who are adherents to beliefs and religions and those who are non-believers must respect each other.

Article 2:

Religious dignitaries and priests, and believers and religious citizens enjoy all citizens' rights and have the responsibility to discharge all citizens' obligations.

Religious dignitaries and priests have the responsibility to regularly educate believers about patriotism, citizens' rights and obligations, and obedience to the law.

Article 3:

For the purpose of this ordinance, terms are defined as follows:

¶1. Belief activities are activities of ancestor worship; activities in memory and honor of those who have rendered great services to the country and the community; activities to worship divinities and traditional symbols as well as other folklore belief activities that represent fine historical, cultural, moral and social values.

¶2. Place of worship is the place where the community's belief activities take place, including communal houses, temples, shrines, family worshipping halls, and other similar establishments.

¶3. Religious organization is the assembly of believers of the same tenets, cannons, rites, and is organized into a certain structure recognized by the State.

¶4. Local religious organization is the local unit of a religious organization including Buddhist temples' management boards, Catholic parishes, Protestant associations, Cao Dai parishes, Hoa Hao management boards at the commune, precinct, and township level, and local units of other religious organizations.

¶5. Religious activities are the preaching and practicing of religious tenets, cannons, and rites, and religious organizations' management.

¶6. Religious congregation is the assembly of believers that is set up by religious organizations for the sake of religious activities.

17. Religious establishment is a place of religious worship, a place where priests lead a religious life, a school to train religious dignitaries and priests, the office of a religious organization, and other establishments affiliated with religions recognized by the State.

18. Believer is a person who believes in a religion and is recognized by that religion.

19. Priest is a believer who regularly and voluntarily practices his/her life style according to tenets and canons prescribed by the religion that he/she believes in.

10. Dignitary is a believer who holds a position and title in a religion.

Article 4:

Pagodas, churches, oratories, communal houses, temples, shrines, offices of religious organizations, religious organizations' training establishments, other legal religious and belief organizations, liturgical and worship instruments are protected by law.

Article 5:

The State ensures the right to belief and religious practice according to legal provisions; respects religious cultural and ethical values; preserves and promotes the positive values of the tradition of ancestor worship and honoring those people have rendered great service to the country and community, which contributes to further consolidate great national unity and meets the common people's spiritual need.

Article 6:

Relations between the state of the Socialist Republic of Vietnam and other countries and international organizations over religion-related issues must be based on the principles of respecting independence, sovereignty, non-interference into each other's internal affairs, equality, mutual benefit, which are in conformity with each other's law as well as international law and practices.

Article 7:

1. The Vietnam Fatherland Front and its member organizations, within the scope of their duties and authorities, have the responsibility to:

- Gather followers of belief and religions and non-believers to build national unity, and to build and defend the Fatherland.
- Promptly report the people's comments, expectations, and petitions on belief and religion-related issues to competent State agencies.
- Take part in the dissemination of information, encourage religious dignitaries, priests and believers, believers, religious organizations and common people to execute the State ordinance on belief and religion.
- Take part in the process of development and monitoring with respect to the execution of State policies and ordinance on belief and religion.

2. State agencies, within the scope of their duties and authorities, take the initiative in cooperating with the Vietnam Fatherland Front and its member organizations in disseminating information about, and encouraging the implementation of, the State's ordinance and policies on belief and religion.

Article 8:

1. Discrimination on belief and religious grounds that constitutes a violation to the citizen's freedom of belief and religion is not allowed.

2. The abuse of the right to freedom of belief and religion to undermine peace, independence and national unity; incite violence or to wage war; disseminate information against prevailing State's law and policies; sow division among the people, ethnic groups, and religions; cause public disorder; do harm to other people's lives, health, dignity, honor, and property; hinder people from exercising their rights and public obligations; spread superstitious practices and commit acts to breach the law, are not allowed.

Chapter II

ACTIVITIES OF BELIEVERS AND ACTIVITIES OF RELIGIOUS DIGNITARIES, PRIESTS AND ADHERENTS

Article 9:

1. People with belief and religious adherents are free to express their faith, conduct rites of worship and prayers, take part in and provide service for religious festivities,

and study religious teachings.

12. People with belief and religious adherents have the responsibility to respect each other's freedom of belief and religion and the freedom of non-belief and non-religion; the implementation of the right to freedom of belief and religion must not hinder the discharge of citizen's rights and obligations; belief and religious activities must be according to law.

Article 10:

People who take part in belief and religious activities must obey regulations set by the places of belief and religious worship, and other regulations agreed upon by the community.

Article 11:

1. Religious dignitaries and priests are allowed to carry out their religious functions and roles within the limits of their responsibilities, and to preach at religious establishments.

2. For activities beyond those mentioned in clause 1 of this Article, there must be the consent of the People's Committee at the district or town level (hereinafter referred to as People's Committee at the district level) where the activities take place.

Article 12:

1. The person in charge of a local religious organization has the responsibility annually to register religious activities to take place at that religious establishment with the People's Committee at the commune, precinct, and township level (hereinafter is referred to as the communal level People's Committee); activities beyond those which have been registered shall require the consent of competent State agencies.

2. The authority to approve the organization of a religious festival is regulated by the Government.

Article 13:

1. Persons who are serving prison terms or who are under administrative probation are not allowed to preside over religious rituals, to preach religion, to manage religious organizations, and to preside over belief festivities.

2. The restoration of the religious functions or role of individuals who have completed the term of these sanctions must be proposed by the religious organization that manages him/her, and agreed upon by the competent State management agency.

Article 14:

Belief and religious activities must ensure safety and cost effectiveness, be in line with national traditions and cultural identity, and be safe for the environment.

Article 15:

Belief and religious activities will be suspended if they:

1. Violate national security, seriously affect public order or environment.

2. Negatively affect the people's unity or the nation's fine cultural traditions.

3. Do harm to other people's lives, health, dignity, honor, and property.

4. Cause other serious illegal activities.

Chapter III

RELIGIOUS ORGANIZATIONS AND THEIR ACTIVITIES

Article 16:

1. An organization shall be recognized as a religious organization if it meets the following conditions:

a. It is an organization of people with the same belief, who follow religious rites that do not go against the nation's fine traditions and customs, and national interests.

b. It has a charter outlining principles, objectives and activities favoring attachment to the nation and conforming to law.

c. It has its activities registered and maintains long-term operations.

d. It has an office, an organization and legal representatives.

e. It has a name that is not identical to name of other religious organizations already recognized by the competent

State management agency.

12. Level of authorization regarding recognition of religious organizations.

a. Prime Minister shall recognize the religious organizations with activities covering multiple provinces or centrally run cities.

b. Chairman of city or provincial People's Committees shall recognize religious organizations with activities covering mostly a single province or centrally run city.

13. The registration of religious activities is stipulated in item 1 point c of this article; the Government shall provide instructions on religious activities of registered religious organizations and on procedures for the recognition of religious organizations.

Article 17:

1. Religious organizations are entitled to establish, split, and merge their subordinate organizations in accordance with the organizations' charters and regulations.

2. The establishment, split, and merger of local religious organizations must be approved upon by the People's Committees at the province and centrally government city level (hereinafter is referred to the People's Committee at the provincial level.)

3. The establishment, split, and merger of religious organizations that do not fall into those stipulated in clause 2 of this article must be approved by the Prime Minister.

Article 18:

1. Conferences and congresses of local religious organizations shall take place after getting the approval from the People's Committee of the district where the event takes place.

2. Conferences and congresses of religious organizations at the national level shall take place after getting the approval from the competent State management agency.

3. Conferences and congresses of religious organizations not included in items 1 & 2 of this article shall take place after getting the approval from the People's Committee of the province where the event takes place.

Article 19:

1. Religious congregations are allowed to operate after the religious organization has registered with the competent State agency.

2. The registration of a religious congregation is prescribed as follows:

a. Religious congregations with activities covering one precinct, district, town, provincially run city shall have their operation registered with the People's Committee of the district where the congregations operate.

b. Religious congregations with activities covering several precincts, districts, towns, provincially and centrally run cities shall have their operation registered with the People's Committees of the provinces where the congregations operate.

c. Religious congregations with activities covering several provinces and centrally run cities shall have their operations registered with the religious management agency at central level.

Article 20:

Religious orders or similar forms of collective religious practice shall operate after having its operation registered with the competent State agency.

The registration of operations of religious orders or similar forms of collective religious practice follow stipulations prescribed at item 2 of article 19 of this ordinance.

Article 21:

1. Persons who lead a religious life at places of religious worship do it on a voluntary basis; no coercion or prevention is allowed. Adolescents who want to lead a religious life must obtain approval from parents or guardians.

2. Upon admission of people into places of religious worship in order for them to lead a religious life, persons in charge of the places of religious worship have the responsibility to register such admittance with the People's Committee of the commune where the place of religious worship is located.

Article 22:

1. The bestowal of religious titles and the appointment, election, and nomination of religious dignitaries and priests shall be conducted according to charters and regulations of the religious organizations and must meet conditions mentioned at item 2 of this article. In cases in which a foreign element is involved, it must obtain agreement in advance from the central religious management agency.

2. The persons who receive appointments and promotions must meet the following conditions in order to be able to be recognized by the State.

- a. Be a Vietnamese citizen with good moral conduct.
- b. Possess the spirit of unity and national harmony.
- c. Seriously observe the law.

3. The dismissal of religious dignitaries shall be according to charters or regulations of religious organizations.

4. Religious organizations have the responsibility to register the appointment, election, and nomination of religious dignitaries and priests with the competent State management agency as well as notify the competent State management agency of the dismissal of dignitaries.

Article 23:

The transfer of religious dignitaries and priests shall be reported to the People's Committee of the district from which the dignitaries and priests are transferred, and registered with the People's Committee of the district to which the dignitaries and priests are transferred.

The transfer of religious dignitaries and priests who have been administratively punished by decisions of the Chairman of the Provincial People's Committee, or those who have been dealt with for their violations to Criminal Law, must also be approved by the People's Committee of the province to which the dignitaries and priests are transferred according to Government regulations.

Article 24:

1. Religious organizations are allowed to open schools and classes to train religious dignitaries and priests.

2. The opening of schools and classes to train religious dignitaries and priests must be approved by the Prime Minister.

Enrollment must be conducted in a transparent manner; candidates apply to become students on a voluntary basis and be aware of the school's regulations.

The subjects of Vietnamese history and laws are among the major subjects in the curriculum.

3. The opening of classes to train religious dignitaries and priests must be approved by the Chairman of the People's Committee of the province where the class is opened.

4. The Government shall issue instructions on procedures for the opening and dissolving of schools to train religious dignitaries and priests and the opening of classes to train religious dignitaries and priests.

Article 25:

Religious ritual festivities taking place beyond the enclosure of the places of worship shall observe the following regulations:

1. Ritual festivities with participation of believers from one single district, precinct, town, and city must be approved by the People's Committee of the district where the festivity takes place.

2. Ritual festivities with participation of believers from several districts, precincts, towns, and cities within one province, or from several provinces and centrally run cities must be approved by the People's Committee of the province where the festivity takes place.

Chapter IV

PROPERTY OF PLACES OF BELIEF & RELIGIOUS WORSHIP AND SOCIAL ACTIVITIES OF RELIGIOUS ORGANIZATIONS, BELIEVERS, PRIESTS, AND DIGNITARIES

Article 26:

The legal property of places of belief and religious worship is protected by law; any violation is forbidden.

Article 27:

1. Land with facilities being used by religious

organizations including land belonging to pagodas, churches, oratories, chancel, monasteries, schools to train religious dignitaries and priests, offices of religious organizations, and other facilities belonging to recognized religious organizations shall be used in a stable and long-term basis.

12. Land on which there are communal houses, temples, shrines, worshipping halls, family worshipping halls, shall be used in a stable and long-term basis.

13. The land use and management prescribed in items 1 & 2 of this article shall be conducted according to State law on land.

Article 28:

1. Places of belief worship and religious organizations are entitled to raise their own financial resources from the voluntary support of individuals and organizations at home and abroad according to law.

2. The organization of collections must be conducted in a transparent manner, with clear information about the intended use, and must get approval in advance from the People's Committee of the location where the collection takes place.

3. The abuse of collection for the sake of personal benefits or illegal objectives is not allowed.

Article 29:

Normal religious practice must be assured at the classified religious worshipping places.

The management, use, renovation, and upgrading of structures belonging to places of belief worship and religious organizations classified as the historical and cultural relics and places of scenic beauty shall be according to State law on cultural heritage and related laws.

Article 30:

The renovation, upgrading, and construction of facilities belonging to places of belief worship and religious organizations shall be conducted according to State law on construction.

Changes in intended uses of places of belief worship must be approved by the People's Committee at the district level; changes in intended uses of places of religious worship must be approved by the People's Committee at the provincial level

Article 31:

The relocation of the places of belief and religious worship due to socio-economic demands must be discussed in advance with the representatives of the places of belief and religious worship, and compensation must be made as prescribed by law.

Article 32:

The printing and publication of bibles and books and other belief and religious publications, the production, business and import-export activities in belief and religious cultural articles, products used in religious practice shall be carried out according to law.

Article 33:

1. The State encourages and creates the favorable conditions for religious organizations to participate in taking care of underprivileged children; provide support to the establishments for the poor or marginal people, HIV/AIDS and leprosy patients, and patients of mental disorder; support the development of kindergartens and participate in other charitable and humanitarian activities in line with the religious organizations' charters and regulations and according to law.

2. Religious dignitaries and priests with citizenship are encouraged by the State to organize educational, health, humanitarian and charitable activities as prescribed by law.

Chapter V

INTERNATIONAL ACTIVITIES OF RELIGIOUS ORGANIZATION, BELIEVERS, PRIESTS AND DIGNITARIES

Article 34:

Religious organizations, believers, priests and dignitaries are entitled to carry out international activities according to charters and regulations or canons which are in line with Vietnamese law.

While carrying out international activities, religious organizations, believers, priests and dignitaries must treat each other fairly, exercise mutual respect for each other, and respect independence, sovereignty and internal affairs of countries.

Article 35:

The following international activities must be approved by state religious management agency at the central level.

1. Inviting foreign religious organizations and individuals into Vietnam or implementing policies of foreign religious organizations in Vietnam;

2. Participating in religious activities, delegating individuals to take part in religious training courses in foreign countries.

Article 36:

Foreign dignitaries and priests are allowed to preach at Vietnamese religious establishments after getting approval from the State religious management agency at the central level. Preaching by foreign dignitaries and priests must follow regulations set by the Vietnamese religious organizations and be according to Vietnamese law.

Article 37

Foreigners entering Vietnam must obey Vietnamese law; they are allowed to bring along religious printed materials and other products for religious practice for personal use as prescribed by the Vietnamese law; are allowed to take part in religious activities at religious worshipping places; are allowed to invite Vietnamese religious dignitaries to conduct religious rituals for him/herself while obeying regulations set by the Vietnamese religious organization.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 38:

In case the international treaties to which the Socialist Republic of Vietnam is a signatory or has entered into prescribe different stipulations as compared with this ordinance, the regulations prescribed by those international treaties prevail.

Article 39:

1. Religious organizations which have been recognized by the competent State agency before the entry into effect of this ordinance will not have to re-apply for recognition.

2. Religious congregations, orders and other forms of collective religious practice which have their operations registered and approved before the taking into effect of this ordinance will not have to go through the re-registration procedures.

Article 40:

This ordinance takes effect from November 15, 2004.

Article 41:

The Government shall guide the implementation of this ordinance.

Hanoi, 18th June 2004

For the Standing Committee of the National Assembly

Chairman

(Signed, stamped)
Nguyen Van An

//End text//
BURGHARDT